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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/102,238	06/22/1998	KENICHI KUBO	B208-967	1575

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EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/102,238

Applicant(s)

KUBO ET AL.

Examiner

John M. Villecco

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2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato et al. (U.S. Patent No. 5,832,318).

Regarding claim 1, Sato discloses lens control system which includes a manual operation member (105) that is rotatively operated by the user's hand, an encoder (106) for detecting the amount of rotation of the manual operation member (105), a lens group (102), and a CPU (104) for controlling the operation of the lens group according to the input from the manual rotation member. The manual operation member represents a rotary operation member; the encoder represents a state detecting means; and the CPU represents a conversion circuit since it takes the signal from the encoder and converts it to a position signal of the lens. Additionally, the lens is

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controlled on the basis of the signal output from the CPU (104). Sato also discloses that once the operation member (105) is operated, the signal input from the encoder is used to select an operating speed, as shown in Figure 14. In this case, the operating speed is interpreted to be the conversion characteristic as discussed in the claim. See Figures 13 and 2. Also see column 12, line 20 to column 14, line 20.

Claim 2 includes the further limitation upon claim 1 wherein the state detecting means is a rotary encoder with a means for counting the number of pulses over time. Sato discloses the use of an encoder to detect the amount of rotation of the manual operation member (105). Sato also discloses that the output of the encoder is made up of a number of pulses over a period of time. See column 14, lines 2-8.

Claim 3 includes the further limitation upon claim 1 wherein the lens is a focusing lens for a camera. Sato discloses that the lens is used for focusing the object and further that the lens is used for a camera.

Claim 4 includes the further limitation upon claim 2 wherein the conversion characteristics includes a fast and a slow characteristic for moving the lens fast or slow, respectively. In Figure 14, Sato discloses the system is used to determine an operating speed. The chart in Figure 14 discloses a slow, normal, and high operating speed.

With regard to claim 6, Sato discloses lens control system which includes a manual operation member (105) that is rotatively operated by the user's hand, an encoder (106) for detecting the amount of rotation of the manual operation member (105), a lens group (102), and a CPU (104) for controlling the operation of the lens group according to the input from the manual rotation member. The manual operation member represents a rotary operation member; the

encoder represents a state detecting means; and the CPU represents a conversion circuit since it takes the signal from the encoder and converts it to a position signal of the lens. Additionally, the lens is controlled on the basis of the signal output from the CPU (104). See Figures 13 and 2. Also see column 12, line 20 to column 14, line 20.

Claim 7 includes the added limitation upon claim 6 wherein the lens control apparatus includes a characteristic changing means for changing a conversion characteristic. Sato also discloses that once the operation member (105) is operated, the signal input from the encoder is used to select an operating speed, as shown in Figure 14. In this case, the operating speed is interpreted to be the conversion characteristic as discussed in the claim. See Figures 13 and 2. Also see column 12, line 20 to column 14, line 20.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (U.S. Patent No. 5,832,318).

Claim 5 includes the added limitation upon claim 1 wherein the lens control apparatus includes display means for displaying the current conversion characteristic. Official Notice is taken that a display is often used to show the user the operating conditions of the camera. This feature allows a user to make sure that the actual conditions of the camera are the conditions that

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he/she thought the camera was in. Therefore, it would have been obvious to one of ordinary skill in the art to display the current conversion characteristic so that the user knows exactly what characteristic the camera is operating in.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Murashima et al. (U.S. Patent No. 4,903,134)** discloses a camera that operates at two different focusing speeds.
- **Murakami et al. (U.S. Patent No. 5,408,332)** teaches a camera that focuses by determining the rotation amount of an encoder.
- **Kaneko et al. (U.S. Patent No. 5,633,680)** discloses a focusing device that uses a rotary encoder to produce different sensitivity characteristics.
- **Ohta et al. (U.S. Patent No. 5,703,638)** teaches a camera that controls focus in two different ways depending on what mode the camera is in.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-6306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.

  
JMV  
3/22/02

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600